

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Case No. 0:18-cv-01776-JRT-HB

This Document Relates To:
ALL DIRECT PURCHASER
PLAINTIFF ACTIONS

**JOINT STIPULATION OF
CONSENT FOR LEAVE TO FILE
DIRECT PURCHASER
PLAINTIFFS' THIRD AMENDED
CLASS ACTION COMPLAINT**

Direct Purchaser Plaintiffs ("Plaintiffs") and Defendants hereby stipulate as follows:

1. Plaintiffs may file the Third Amended Class Action Complaint in this matter—attached as Exhibit A (Proposed Redline Complaint) and Exhibit B (Proposed Complaint – Clean)—pursuant to Fed. R. Civ. P. 15(a)(2), which permits a party to amend its pleading with the opposing party's written consent, *see Thomas v. United Steelworkers Local 1938*, 743 F.3d 1134, 1140 (8th Cir. 2014), *reh'g denied* (Apr. 8, 2014) ("After 21 days had passed from the filing of his second amended complaint, [plaintiff] was required to either obtain the consent of the opposing parties or seek the permission of the district court if he wanted to amend his complaint to remove certain claims.").

2. Defendants hereby consent to the Court, granting Plaintiffs leave to file the Third Amended Class Action Complaint, attached hereto as Exhibit B.

3. By entering into this stipulation, the parties agree that Defendants do not concede the efficacy of the amendments or that the claims set forth in the Third Amended Class Action Complaint are properly pleaded, nor do they waive any arguments that they

could have raised in the context of an opposition to the motion for leave to amend. The parties further agree that upon the filing of the Third Amended Class Action Complaint, Defendants may challenge the pleading, in whole or in part, under Rule 12 of the Federal Rules of Civil Procedure, and any other applicable rules.

4. This motion will not affect any of the motion to dismiss briefing deadlines described in ECF No. 424. Defendants' motions to dismiss, together with all supporting documents, must be filed on or before January 15, 2020.

Respectfully submitted,

Dated: January 14, 2020

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